

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

LAWRENCE MAISANO,

Plaintiff,

Case No. 1:09-cv-99

v.

HON. JANET T. NEFF

RAYMOND GELABERT et al.,

Defendants.

ORDER APPROVING REPORT AND RECOMMENDATION

The court has reviewed the Report and Recommendation (Dkt 101) filed by the United States Magistrate Judge in this action. The Report and Recommendation was duly served on the parties. No objections have been filed pursuant to 28 U.S.C. § 636(b)(1)(C).

THEREFORE, IT IS ORDERED that the Report and Recommendation of the Magistrate Judge, filed June 27, 2011, is approved and adopted as the opinion of the court.

IT IS FURTHER ORDERED that plaintiff's Motion for Summary Judgment (Dkt 87) is **DENIED** for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that defendants' Motion for Summary Judgment (Dkt 94) is **GRANTED** and plaintiff's complaint is **DISMISSED** for the reasons stated in the Report and Recommendation.

IT IS FURTHER ORDERED that upon review of Plaintiff's claims, this Court can discern no good-faith basis for an appeal and so certifies in accordance with *McGore v. Wigglesworth*, 114 F.3d 601, 611 (6th Cir. 1997).

IT IS FURTHER ORDERED that should plaintiff appeal this decision, the court will access the \$455 appellate filing fee pursuant to § 1915(b)(1), *see McGore*, 114 F.3d at 610-11, unless plaintiff is barred from proceeding *in forma pauperis*, e.g., by the “three-strikes” rule of § 1915(g). If he is barred, he will be required to pay the \$455 appellate filing fee in one lump sum.

Dated: July 21, 2011

/s/Janet T. Neff
JANET T. NEFF
UNITED STATES DISTRICT JUDGE